APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,207	03/26/2004	Alvin Barshefsky	BARSHEFSKY 4-2-2	8640

			EXAMINER
50525	7590	10/02/2006	CAO, PHUONG THAO

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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/810,207	BARSHEFSKY ET AL.
	Examiner	Art Unit	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 March 2004</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-17</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-17</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>26 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Application filed on 03/26/2004.

2.   Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer (US

Patent No 6,216,140).

As to claim 1, Kramer teaches:

"A system" [column 4, lines 40-60] comprising:

"a release storage area for storing files and directories related to a current release of a

released software product" (see [column 4, lines 45-50] and [column 9, lines 30-35] wherein

storage for storing the hierarchy of the released version or first version as disclosed is equivalent

to Applicant's "release storage area");

"a second storage area for storing files and directories associated with modifications of the current release" (see [column 4, lines 45-50] and [column 9, lines 30-35] wherein the storage for storing the hierarchy of the second version as disclosed is equivalent to Applicant's "second storage area");

"a software release information manager coupled to the release storage area and coupled to the second storage area and adapted to identify differences between files and directories in the release storage area and files and directories in the second storage area" (see [column 3, lines 28-34], [column 7, lines 10-35], [column 8, lines 50-55] and [column 9, lines 30-35] wherein there must exist a component equivalent to Applicant's "software release information manager" in order to identify differences between the hierarchies as disclosed).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"a scan element to determine information regarding files and directories located in the second storage area" (see [column 9, lines 45-50 and 55-65] wherein there must exit some component which is equivalent to Applicant's "scan element" in order to determine attributes of hierarchy items and their changes as disclosed).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 2 and is similarly rejected including the following:

Kramer teaches:

"A database coupled to the scan element for storing the information regarding files and directories located in the second storage area" (see [column 5, lines 30-51] wherein revision history which includes a collection of records can be considered as a database; also see [column 9, lines 45-50] for attributes information).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"a verify element to compare information associated with files and directories in the release storage area with information associated with the files and directories in the second storage area to identify differences between the compared information" (see [column 3, lines 23-35], [column 5, lines 45-51], [column 7, lines 20-25] and [column 8, lines 50-55] wherein there must exist some component which is equivalent to Applicant's "verify element" in order to compare between two hierarchies to identify differences as disclosed).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Kramer teaches:

"an install element to copy files and directories from the second storage area to the release storage area" (see [column 11, lines 25-35] and [column 10, lines 15-20] wherein source version is equivalent to Applicant's "second storage area", target version is equivalent to

Applicant's "release storage area", and there must exist some component which is equivalent to

Applicant's "install element" in order to copy changes as disclosed).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1

and is similarly rejected including the following:

Kramer teaches:

"wherein the second storage area is a build storage area used by a developer to modify or

create files and/or directories for the software product" (see [column 9, lines 30-35] wherein

storage for storing the changed hierarchy [column 7, lines 10-15] is equivalent to a build storage

area as illustrated in Applicant's claim language).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1

and is similarly rejected including the following:

Kramer teaches:

"wherein the identified differences may include one or more of: file existence, file

naming, file ownership information, file access control information, file contents, directory

existence, directory naming, directory ownership information, and directory access control

information" (see [column 9, lines 45-65] wherein item represents a file or directory in the

hierarchy).

As to claim 8, Kramer teaches:

"A method for software release management of a software product" (see Abstract and [column 1, lines 10-20]), the method comprising the steps of:

"identifying a build storage area having development files in a hierarchically structured development directory" (see [column 1, lines 10-25], [column 7, lines 10-15] and [column 9, lines 30-35] wherein storage for storing the changed hierarchy is equivalent to Applicant's "build storage area");

"gathering build information regarding development files and directories in the build storage area" (see [column 5, lines 30-50] and [column 9, lines 45-55] wherein records of change and attributes of hierarchical items (files and directories) is equivalent to Applicant's "build information");

"identifying release storage area having release files in a hierarchical structured release directory" (see [column 1, lines 10-25], [column 7, lines 10-15] and [column 9, lines 30-35] wherein storage for storing the baseline hierarchy is equivalent to Applicant's "release storage area");

"gathering release information regarding release files and directories in the release storage area" (see [column 5, lines 30-50] and [column 9, lines 45-55] wherein records of change and attributes of hierarchical items (files and directories) is equivalent to Applicant's "release information");

"reporting to a user regarding differences between the release information and the build information wherein the differences include one or more of: file existence, file naming, file ownership information, file access control information, file contents, directory existence, directory naming, directory ownership information, and directory access control information"

(see [column 5, lines 35-50], [column 9, lines 55-67] and [column 10, lines 35-40] wherein the

disclosure of user intervention requires the inclusion of user interface to display data to users).

As to claim 9, this claim is rejected based on arguments given above for rejected claim 8

and is similarly rejected including the following:

Kramer teaches:

"storing the gathered build information in a database" (see [column 7, lines 56-60] for a

database address; see [column 5, lines 30-35] and [column 9, lines 45-55] wherein revision

history and attributes information is equivalent to build information); and

"storing the gathered release information in a database" (see [column 7, lines 56-60] for a

database address; see [column 5, lines 30-35] and [column 9, lines 45-55] wherein revision

history and attributes information is equivalent to release information),

"wherein the step of reporting further comprises accessing the database to compare the

build information stored therein and the release information stored therein to identify differences

therebetween" (see [column 5, lines 45-50] and [column 9, lines 45-67] for the necessity to

access the revision history to conduct the comparison).

As to claim 10, this claim is rejected based on arguments given above for rejected claim 8

and is similarly rejected including the following:

Kramer teaches:

"installing a copy of the release files and directories in a destination storage area to install

a current release of the software product" (see [column 4, lines 15-20 and 40-60]).

As to claim 11, this claim is rejected based on arguments given above for rejected claim 8 and is similarly rejected including the following:

Kramer teaches:

"copying build files from the build area to the release area to generate a new release" (see [column 1, lines 60-67] and [column 4, lines 14-20 and 45-50] wherein source version is equivalent to Applicant's "build area" and target version is equivalent to Applicant's "release area").

As to claim 12, this claim is rejected based on arguments given above for rejected claim 11 and is similarly rejected including the following:

Kramer teaches:

"installing a copy of the release files and directories in a destination storage area to install a current release of the software product" (see [column 1, lines 60-67] and [column 4, lines 15-20 and 40-60]).

As to claim 13, Kramer teaches:

"A method for software release management" (see [column 4, lines 40-65]) comprising the steps of:

"scanning a build storage area that contains modified files and directories of a software product" (see [column 7, lines 10-15] and [column 9, lines 30-35] wherein storage for a changed hierarchy is equivalent to Applicant's "build storage area"; and see [column 7, lines 35-65]

wherein comparison operation as disclosed including scanning items of hierarchy which is equivalent to Applicant's claim language);

"generating an inventory file from build information derived from the step of scanning and regarding the modified files and directories in the build storage area" (see [column 5, lines 30-50], [column 7, lines 55-65] and [column 9, lines 45-65] wherein the revision history can be considered as Applicant's "inventory file");

"verifying the build information in the inventory file with release information regarding a current release of files and directories in a release storage area" (see [column 5, lines 45-50] and [column 7, lines 10-15 and 20-35] wherein storage of a baseline hierarchy is equivalent to Applicant's "release storage area");

"installing modified files and directories in the release storage area to create a new release of files and directories in the release storage area" (see [column 4, lines 45-50] and [column 5, lines 5-10]).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Kramer teaches:

"wherein the release information is stored in a release database" (see [column 5, lines 50-65], [column 7, lines 55-65] and [column 9, lines 45-50] wherein revision history or attributes information can be considered as either release information).

As to claim 15, this claim is rejected based on arguments given above for rejected claim 14 and is similarly rejected including the following:

Kramer teaches:

"updating information in the release database from the build information in the inventory file in response to the step of installing modified files and directories" (see [column 5, lines 35-65] for the updating of records in the revision history).

As to claim 16, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Kramer teaches:

"identifying the differences between the build storage area and the release storage area" (see [column 7, lines 10-15] and [column 8, lines 50-55] wherein changed hierarchy represents a build storage area and baseline hierarchy represents a release storage area); and

"presenting the identified differences to a user to permit correction of any identified anomalies by the user" (see [column 5, lines 35-50], [column 9, lines 55-67] and [column 10, lines 35-40] wherein the disclosure of user intervention requires the inclusion of user interface to display data to users; also see [column 11, lines 55-65]).

As to claim 17, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Kramer teaches:

"wherein the differences may include one or more of: file existence, file naming, file

ownership information, file access control information, file contents, directory existence,

directory naming, directory ownership information, and directory access control information"

(see [column 9, lines 45-65] wherein item represents a file or directory in the hierarchy).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

September 19, 2006

Primary Examiner
Art Unit 2167